IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 11250 of 2004

Between:

P.Ramakrishna Rao, S/o.Bhadri Narayana,
Occupation : Casual Labour,

O/o.Agricultural Research Station,

Peddapuram, East Godavari District.

..... PETITIONER

AND

1. Associate Director of Research,

Regional Agricultural Research Station,

Anakapally.

2. The Registrar, N.G.R. Agricultural University,

Rajendra Nagar, Hyderabad.

3. The Scientist & Head, Agricultural Research Station,

Peddapuram, E.G. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of *Mandamus* declaring the impugned Memo No. C1/1379/2001, dt.23.07.2004 as

illegal, arbitrary and consequentially the same may be set aside by directing the respondents to appoint the petitioner as Record Assistant at the first respondent office. In view of his appointment orders dated 29.03.2003 with all consequential benefits.

Counsel for the Petitioner: MR. M.R.TAGORE

Counsel for the Respondents: MR.B.SIVA REDDY

The Court made the following:

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THE HON'BLE SRI JUSTICE DR. G.YETHIRAJULU

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WRIT PETITION NO.11250 OF 2004

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O R D E R:

Counter not filed. Amendment ordered. Carried out the amendment.

2. The petitioner is working as a Casual Labour in the third respondent Research Station. He contends that when certain vacancies for visually disabled persons notified, he applied for the same and attended a written and oral test for the post of Record Assistant on 29.03.2003 at the first respondent Research Centre. In pursuance of a notification vide Rc.No.C1/1379/2001, dated 24.03.2003 to fill up the backlog vacancies reserved for visually disabled persons, the petitioner got himself qualified in the written and oral test. The first respondent issued proceedings vide Rc.No.C1/1379/2001, Dated 29.03.2003 appointing the petitioner as Record Assistant in the backlog vacancies meant for visually handicapped as per the roster point in the pay scales of Rs.2870-60-3050-5810 and further directed to produce the physical fitness certificate, and status certificate. Accordingly, the petitioner submitted the required certificates.

3. The first respondent addressed the second respondent for approval of the said

appointment. The first respondent on 10.04.2003 issued a memo to the effect that the temporary appointment orders of the petitioner to the post of Record Assistant at Regional Agricultural Research Station, Anakapalle are kept pending till approval of the University and he was directed to continue as casual labour at the third respondent Research Station till the receipt of the orders from the University. The petitioner being aggrieved by the said memo of the first respondent filed the present writ petition challenging the legality of the memo on the ground that the first respondent was wrong in keeping the appointment in abeyance pending approval of the University. During the pendency of the writ petition, the second respondent issued an order dated 15.07.2004 mentioning that since the petitioner did not complete five years of service as on 25.11.2003, he is not eligible for appointment to any graded post and requested the first respondent to cancel appointment order dated 29.03.2003. Consequentially, the first respondent passed an order on 23.07.2004 in pursuance of the order of the second respondent dated 10.04.2003, cancelling the appointment order of the petitioner as Record Assistant. Subsequent to the receipt of the order, the petitioner approached this court through an amendment petition to amend the prayer in the writ petition by permitting him to question the validity of the order of the first respondent dated 23.07.2004. The petitioner is contending that he has completed five years two months of service as on the cut off date i.e. 25.11.1993 of the appointment and a service certificate was also issued by the third respondent to that effect. Therefore, the petitioner represents that he did not place the certificate before the first respondent or the second respondent for the purpose of consideration.

4. In the light of the above circumstances, the petitioner cannot directly approach this court and seek any remedy in the form of Writ of *Mandamus*. Therefore, the petitioner is directed to place the service certificate and other record if any in support of his contention that he completed more than five years of service as on 25.11.1993, before the first respondent and the first respondent, after verification of the record, if satisfied, that the petitioner completed five years of service as on the cut off date, shall recommend to the second respondent afresh for approval mentioning that the petitioner completed five years of service as on 25.11.1993. He may pass appropriate orders within two months from the date of receipt of a copy of this order. He may seek approval from the second respondent, if necessary.

5. Accordingly, the writ petition is disposed of.

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(Dr. G.YETHIRAJULU,J)

30th August, 2004

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Associate Director of Research,

Regional Agricultural Research Station,

Anakapally.

2. The Registrar, N.G.R. Agricultural University,

Rajendra Nagar, Hyderabad.

3. The Scientist & Head, Agricultural Research Station,

Peddapuram, E.G. District.

4. Two CD copies